

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

RHIANNON ZUKOWSKI

APPELLANT,

**v.
DIVISION OF EMPLOYMENT SECURITY**

RESPONDENT.

DOCKET NUMBER WD77569

DATE: December 23, 2014

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division Three: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Attorneys:

Peter F. Rottgers, Kansas City, MO, for appellant.

Sara H. Harrison, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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WESTERN DISTRICT**

RHIANNON ZUKOWSKI,

APPELLANT,

v.

DIVISION OF EMPLOYMENT SECURITY,

RESPONDENT.

No. WD77569

Labor and Industrial Relations Commission

Before Division Three: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Rhiannon Zukowski appeals the decision of the Labor and Industrial Relations Commission denying her unemployment benefits because it found that Zukowski was discharged for misconduct connected with work. Zukowski argues that the Commission erred because her employer, Kelly Services, Inc., failed to prove that her actions rose to the level of willful misconduct.

Affirm.

Division Three holds:

The Commission did not err in determining that Zukowski committed misconduct connected with work because, under the third category of statutory misconduct in effect at the time of the Commission's decision, a finding of willfulness was not required when an employee disregards the standards the employee has a right to expect. Because Zukowski did not challenge that her conduct disregarded the standards her employer had a right to expect from her, and challenged only whether her misconduct was willful, we must affirm the Commission's finding of misconduct.

Opinion by Cynthia L. Martin, Judge

December 23, 2014

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